

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANNMARIE BRENNIE,

Plaintiff,

-against-

CLIFFORD JAMES and TERRY JAMES,

Defendants.  
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: 06-CV-5131 (ARR) (VVP)  
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:  
: NOT FOR ELECTRONIC  
: OR PRINT  
: PUBLICATION  
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:  
: ORDER  
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ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case dated June 15, 2007 from the Honorable Viktor V. Pohorelsky, United States Magistrate Judge. No objections have been filed. Having conducted a de novo review of the record, I hereby adopt the Report and Recommendation as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Accordingly, this action is dismissed for failure to prosecute.

SO ORDERED.

s/ Judge Allyne R. Ross

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Allyne R. Ross  
United States District Judge

Dated: July 6, 2007  
Brooklyn, New York

**SERVICE LIST:**

Attorney for Plaintiff  
David B. Rosen  
26 Court Street, Suite 2111  
Brooklyn, NY 11242

cc: Magistrate Judge Viktor V. Pohorelsky

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ANNMARIE BRENNIE,

Plaintiff,

**REPORT & RECOMMENDATION**

- v -

CV 06-5131 (ARR) (VVP)

CLIFFORD JAMES, et al.,

Defendants.

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On May 23, 2007, the court issued an order directing counsel for the plaintiff to advise the court in writing as to the status of this case by June 6, 2007.<sup>1</sup> That order also informed counsel that the failure to comply with the order may result in dismissal of the case for failure to prosecute. Counsel for the plaintiff has thus far failed to respond to that order. Nor has the court received any other communication from counsel regarding this case. The court has reviewed the docket in this case and notes that, as of the date of this Report and Recommendation, no action has been taken by the plaintiff since filing the complaint on September 22, 2006. There are no returns of service indicating that the complaint was ever served on the defendants and, of course, no answer has been filed.

Accordingly, the undersigned hereby **RECOMMENDS** that this action be dismissed for want of prosecution. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *Hoffman v. Wisner Mfg. Co.*, No. CV-95-1058 (ADS), 1996 WL 296938, at \*3-4 (E.D.N.Y. June 1, 1996).

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<sup>1</sup>The docket reflects that counsel for the plaintiff received this order on May 23, 2007 at 2:58 PM EDT, at davidrosen@davidrosen-law.com, the email address that he provided to this court.

Any objections to the Report and Recommendation above must be filed with the Clerk of the Court within 10 days of receipt of this report. Failure to file objections within the specified time waives the right to appeal any judgment or order entered by the District Court in reliance on this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see, e.g., Thomas v. Arn*, 474 U.S. 140, 155, 106 S.Ct. 466, 474, 88 L.Ed.2d 435 (1985); *IUE AFL-CIO Pension Fund v. Herrmann*, 9 F.3d 1049, 1054 (2d Cir. 1993); *Frank v. Johnson*, 968 F.2d 298 (2d Cir.), *cert. denied*, 113 S. Ct. 825 (1992); *Small v. Secretary of Health and Human Serv.*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*).

Viktor V. Pohorelsky  
VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
June 15, 2007